REMARKS

Reconsideration of the present application is respectfully requested. Claims 1-21 and 23-24 are pending. Claims 1, 8, 12-14, and 18 have been amended. No claims have been added or canceled.

Claims 1 and 13 have been amended to remove minor informalities.

35 U.S.C. § 103(a) Rejections

Examiner rejected claims 1-21 and 23-24 under 35 U.S.C. § 103(a) as being unpatentable over Brown et al. (US Patent No. 4,710,926) in view of Li (US Patent No. 5,473,599) and Garg (U.S. Patent Pub. No. 2005/0193229). Applicant respectfully traverses the rejection.

Claim 1 as amended sets forth:

> causing said plurality of processes to interact with each other to establish a priority of status, such that each of said plurality of processes can alter the priority of another of said plurality of processes without the use of a master to enable said interaction or alteration of priority, wherein said priority is ***based on*** a value of the unique process identifier assigned to each of said plurality of processes.

(Claim 1 as amended; emphasis added)

In the Office Action, the Examiner admitted that Brown and Li do not teach assigning a unique process identifier to each of the plurality of processes. The Examiner further cited to Garg's disclosure of a "processor identifier," which is a unique, globally known address referencing an executable (Garg, paragraph [0020]). However,

the Office Action fails to address how the references, alone or in combination, teach a priority ***based on*** a value of the unique process identifier assigned to each process. Garg does not disclose, suggest, or imply a priority *based on* a value of the unique process identifier assigned to each process. The Office Action alleged that Li discloses a method in which multiple processes determine the priority status of each of the processes. According to Li, each router has a specified priority which is used in elections and coups of the active router. A priority is configured for each router by a user of the network. *The priority of each router **is** preferably an integer* between 0 and 255 (i.e., an 8 bit word.) with 100 being the default. (Li, col. 9, ln.28-31) Li does not disclose, suggest, or imply that the priority is based on a unique process identifier of each process. In sum, none of the references relied upon, Brown, Li, and Garg, alone or in combination, teaches a priority ***based on*** a unique process identifier of each process. Thus, claim 1 is patentable over Brown in view of Li and Garg.

Further, the alleged motivation to combine the "processor identifier" in Garg with Brown and Li in the Office Action, namely, to create a better managed fault tolerant distributed system, is *irrelevant* to the priority of each of the processes. The Office Action did not explain why one of ordinary skill in the art, with the goal of creating a better managed fault tolerant distributed system, would modify the routers in Li with a priority based on a unique process identifier. Li also fails to provide any motivation or suggestion on *why it would have been advantageous or desirable* to determine the priority of the routers based on a unique process identifier of each process. As to Brown, the reference does not even disclose a priority or a unique process identifier for each process, let alone providing motivation to modify the priority in Li with the

processor identifier in Garg. Thus, claim 1 is patentable over Brown in view of Li and Garg because there is a lack of motivation for one of ordinary skill in the art to combine the references as proposed in the Office Action.

In summary, claim 1 is patentable over Brown in view of Li and Garg for at least the reasons discussed above. Withdrawal of the rejection is respectfully requested.

Claims 9, 13, 15, 19, and 24 are also patentable over Brown in view of Li and Garg for at least the reason discussed above with respect to claim 1. Claims 2-8, 10-12, 14, 16-18, 20-21, and 23 depend from claims 1, 9, 13, 15, and 19, respectively. Thus, claims 2-8, 10-12, 14, 16-18, 20-21, and 23 are patentable over Brown in view of Li and Garg. Withdrawal of the rejection is respectfully requested.

Further, claims 8, 12, 14, and 18 have been rewritten in independent form and are patentable over Brown in view of Li and Garg for the following reason as well.

Claim 8 sets forth:

> ... wherein each process determines its ***status*** based on the value of its unique process identifier relative to the value of the unique identifier of each other process.

(Claim 8, lines 1-3; emphasis added)

In the Office Action, the Examiner argued that Brown discloses the above limitation by the following:

> Each processor also has a logical identity (LMP) defining ***the logical function*** to be performed by that processor with respect to arrangement 100.

(Brown, col. 4, ln. 43-45; emphasis added)

As plainly stated in Brown, the logical identity defines the ***logical function*** of the processor with respect to arrangement 100. Although Brown uses the phrase "with respect to arrangement 100" in its disclosure, which the Office Action construes to be similar in meaning to the phrase "relative to the value of the unique identifier of each other process" recited in claim 8, but Brown discusses the logical function of the processor in the sentence cited by the Office Action. Brown does not disclose, suggest, or imply determining a ***status*** of the processor with respect to arrangement 100. In contrast, claim 8 teaches determining a process's ***status*** based on the value of its unique process identifier relative to the value of the unique identifier of each other process. Therefore, Brown fails to disclose the limitation of claim 8 set forth above.

Likewise, the other cited references, Li and Garg, fail to make up the deficiencies of Brown. Since none of Brown, Li, and Garg, alone or in combination, teaches the limitation of claim 8 set forth above, claim 8 is patentable over Brown in view of Li and Garg. Withdrawal of the rejection is respectfully requested.

Claims 12, 14, and 18 are patentable over Brown in view of Li and Garg for the reason discussed above with respect to claim 8. Withdrawal of the rejection is respectfully requested.

Conclusion

For at least the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly solicited.

If the Examiner perceives any further obstacle to allowing the present application, the Examiner is invited to contact the undersigned at (408) 720-8300.

Pursuant to 37 C.F.R. 1.136(a)(3), Applicant hereby requests and authorizes the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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